

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

UNITED STATES OF AMERICA)	
)	Case No. 4:15-cr-18
v.)	
)	Judge Travis R. McDonough
TIMOTHY POWERS)	
)	Magistrate Judge Susan K. Lee
)	

ORDER

Magistrate Judge Susan K. Lee filed a report and recommendation (“R&R”) recommending the Court: (1) grant Defendant’s motion to withdraw his not guilty plea to Count One of the five-count Indictment; (2) accept Defendant’s plea of guilty to the lesser offense of the charge in Count One of the Indictment—conspiracy to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D); (3) adjudicate Defendant guilty of the lesser offense of the charge in Count One of the Indictment—conspiracy to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D); (4) defer a decision on whether to accept the plea agreement until sentencing; and (5) find that Defendant shall remain in custody until sentencing in this matter. (Doc. 128.) Neither party filed a timely objection to the R&R.

After reviewing the record, the Court agrees with the magistrate judge’s R&R. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge’s R&R (Doc. 128) pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

- (1) Defendant's motion to withdraw his not guilty plea to Count One of the Indictment is **GRANTED**;
- (2) Defendant's plea of guilty to the lesser offense of the charge in Count One of the Indictment—conspiracy to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D)—is **ACCEPTED**;
- (3) Defendant is hereby **ADJUGED** guilty of the lesser offense of the charge in Count One of the Indictment—conspiracy to distribute a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(D);
- (4) A decision on whether to accept the plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **September 9, 2016, at 2:00 p.m. [EST]** before the undersigned.

SO ORDERED.

ENTER:

/s/Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE